

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

GEORGIA HENSLEY, Individually
and as Class Representative on Behalf
of All Similarly Situated Persons, et
al.

PLAINTIFF

VS. Case No. 05-CV-4034

COMPUTER SCIENCES CORPORATION,
et al.

DEFENDANTS

ORDER

On October 28, 2005, the Court ordered this case remanded to the Circuit Court of Miller County, Arkansas, ruling it lacked subject matter jurisdiction over this case. (Doc. 484) The Allstate Defendants filed a Petition for Permission to Appeal with Court of Appeals for the Eighth Circuit. (Doc. 488) On December 5, 2005, the Eighth Circuit denied the petition. *See Allstate Insurance v. Hensley*, Case No. 05-8024, Court of Appeals for the Eighth Circuit.

On December 5, 2005, Separate Defendants American National County Mutual Ins. Co., American National Lloyds Insurance Co., and Pacific Property & Casualty Company all filed Amended Answers. (Docs. 491-493) On December 6, 2005, American National Property and Casualty Company filed an Amended Answer. (Doc. 494) These amended answers were improperly filed. Federal Rule of Civil Procedure 15(a) requires “leave of the Court” or “written consent of the adverse parties” to file an amended answer. The Court did not give leave to file an amended answer. Secondly, since the Eighth Circuit has denied the petition for permission to appeal, this case will be remanded to the Circuit Court of Miller County as soon as the Eighth Circuit issues its mandate. This Court lacks jurisdiction over this case. Therefore, the Court *sua sponte* finds the Amended Answers (Docs. 491-494) should be and hereby are struck from the record.

IT IS SO ORDERED, this 7th day of December, 2005

/s/ Harry F. Barnes
Hon. Harry F. Barnes
U.S. District Court